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ATTENTION: **TC 2800 BEFORE FINAL**

VOICE No.: 571-272-2243

COMPANY: USPTO

OUR FILE No.: 2291-001

Your File No.: 10/602,858

DATE: February 3, 2005

NOTES:

APPLICANT: Tracy C. KLAUS

ART UNIT: 2858

SERIAL NO.: 10/602,858 :

Examiner: Timothy DOLE

FILED: June 25, 2003

TITLE: DIAGNOSTIC SAFETY INSPECTION APPARATUS

RESPONSE TO EXAMINER'S OFFICE ACTION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 03 2005

In re application of:

APPLICANT: Tracy C. KLAUS

ART UNIT: 2858

SERIAL NO. : 10/602,858 :

Examiner: Timothy DOLE

FILED: June 25, 2003

TITLE: **DIAGNOSTIC SAFETY INSPECTION APPARATUS**

February 3, 2005

U. S. Commissioner of Patents and Trade-Marks
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
U.S.A.

Via Facsimile to Technology Center 2858 (Before Final) 1-703-872-9306

Sir:

RESPONSE TO OFFICE ACTION

This amendment is responsive to the Examiner's Office Action
Amendment dated November 19, 2004 and due February 19, 2005, without
penalty.

REMARKS

**Examiner has rejected claims 1, 5, 6, 9-11 and 16-18 under 35 USC 103(a) as
being unpatentable over Melendez in view of Dvorachek.**

MPEP 2143.01 provides:

"The mere fact that references can be combined or modified does not render the
resultant combination obvious unless the prior art also suggest the desirability of
the combination."